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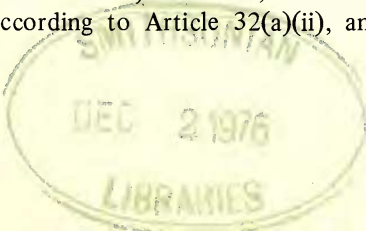
THE NOMENCLATRURAL HISTORY OF THE CRISSAL THRASHER (AVES: MIMIDAE)

John P. Hubbard

Seldom is the nomenclatural history of any given taxon worthy of extended discourse, but that of the Crissal Thrasher may well be an exception. This species, which has gone under both the names *Toxostoma crissale* and *Toxostoma dorsale*, provides an extreme example of how the Rule of Priority may function—or, to critics, disfunction. The crux of the matter is that a name published by mistake (i.e., *dorsale*) has legal priority and must be used according to the rules of the International Code of Zoological Nomenclature (Stoll et al., 1961), this in spite of the fact that the name was unintended, inappropriate, and promptly corrected (i.e., to *crissale*) by the describer. My aim in this paper is to detail the events surrounding the original description of this thrasher, in order to place the matter on the record and to examine the functioning of the Rule of Priority in particular and the Code in general.

The principals in this case are the Crissal Thrasher and three men. The thrasher resides in the southwestern United States and Mexico, and its legal name is currently *Toxostoma dorsale*. The men were: Thomas Charlton Henry, U. S. Army surgeon who collected the type of thrasher in New Mexico in the 1850s; Spencer Fullerton Baird, ornithologist at the Smithsonian Institution and the person who actually described the Crissal Thrasher (but in Henry's name; i.e., Henry, 1858); and John Cassin, ornithologist at the Academy of Natural Sciences of Philadelphia (ANSP) and the man to whom Henry originally sent the thrasher specimen and through whom Baird's description was submitted for publication in the Proceedings of the ANSP.

According to the Rule of Priority, the first name legally published is the one that applies to the taxon, with certain exceptions. Among these exceptions is the instance in which an erroneously published name may be corrected, such as when the error is the result of a lapsus calami or a printer's mistake (Articles 19 and 32 of the Code). However, such corrections can be made only in *spelling*; and, according to Article 32(a)(ii), any mistake in the published name



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must be clearly evident in the original publication. Furthermore, as amended at the 1972 International Congress of Zoology (Minutes of XVIIth Congress, Bull. Zool. Nomencl. 29, pt. 4:178, 188), even for correction of a spelling error, justification must be done "without recourse to any external source of information."

As intimated above, what is involved in the matter of the proper name of the Crissal Thrasher is the choice between two entirely different words, i.e., *dorsale* versus *crissale*, not a correction of a spelling error. Clearly, under the Code there is no provision for replacement of one word by another, regardless of whether or not a mistake is involved. Thus, *dorsale* is in an unassailable position as the first legally published name; and, in spite of the fact that *crissale* was the intended name, the former must be used under the Code.

Oberholser (1920) was the first to point out the legal claim for *dorsale* as the epithet for the thrasher, after *crissale* had been used universally for over 60 years. A decade later Oberholser (1930) reiterated this claim, and beginning in 1931 the American Ornithologists' Union adopted *dorsale* in the Checklist of North American Birds. Thus the current tenure of *dorsale* as the official name for the Crissal Thrasher began almost three quarters of a century after the specimen was described to science, or some 45 years ago. At this point let us return to the 1850s and pick up the threads leading to the description of the Crissal Thrasher, in order that we might better understand and interpret subsequent events.

The type of *Toxostoma dorsale* was originally cataloged (as number 8127 in November 1857) and apparently labeled at the Smithsonian Institution, with the data "*Toxostoma henryi*, Mimbres to Rio Grande Dr. T. C. Henry." The label also bore "L 32" (latitude) after the locality and "U.S.A." (U. S. Army) after the collector. At some later date(s) "*henryi*" was changed to "*chrysalis*" and then "*crissalis*," and the following annotation was made: "Type: sent to Acad. Nat. Sci. Phila." The specimen is now at the Academy of Natural Sciences of Philadelphia (no. 23,713), but I could not determine the date of this transfer. From the above, it appears, among other things, that someone at the Smithsonian—almost certainly Spencer F. Baird—had at one time planned to name the new thrasher after Dr. Henry; this plan was later abandoned for reasons that will emerge below.

We know from various sources, including the specimens themselves, that Dr. Henry collected birds in New Mexico. From letters exchanged between John Cassin and Baird, we know that Henry sent specimens to Cassin, who regarded Henry as a protege, and thence to Baird (Smithsonian Archives, Spencer F. Baird Papers, Incoming Personal Correspondence [I.P.C.] and Letters Written by S. F. Baird [L.W.B.]). For example, in April 1855, Cassin and Baird exchanged letters (I.P.C., vol. 9, nos. 240, 241, 245; L.W.B., vol. 11, no. 137) regarding certain of Henry's specimens that Cassin wished to borrow to verify identifications cited in a paper that was to be published later

that year (i.e., Henry, 1855). While the specimen of the thrasher was not among those queried by Cassin, it undoubtedly had been collected and probably shipped by then to Baird. In his paper, Henry (1855:308) cites what must have been this species as "*Toxostoma redivida*" (i.e., the California Thrasher) and indicates that it was rather abundant at Ft. Fillmore and was also seen at Ft. Thorn; both of these sites are in the present Dona Aña County, New Mexico.

Precisely when Henry collected the type specimen of the thrasher is unknown, and we do not really know for certain whether the site was Ft. Fillmore or Ft. Thorn. From various sources (Bailey, 1928; Hume, 1942; Henry, 1855), we know that Henry was at the former place from August into December 1852 and at the latter from about December 1853 to 1858. Ft. Fillmore is about 40 air miles south-southeast of Ft. Thorn, close enough so that which of the two is accepted as the type locality is not a matter of concern. Ft. Thorn has come to be known as the type locality, apparently because of its mention in the original description; however, no such locality appears in the catalog or on the label (in fact, this and perhaps all others of Henry's specimens were apparently received without data). Furthermore, as Henry appears to have had nothing to do with describing the species (as will be brought out later in this paper), Ft. Thorn appears to have been arbitrarily selected from his published account (Henry, 1855) as the type locality.

From what has been detailed to this point, we can assume that Henry collected the type of *Toxostoma dorsale* at either Ft. Fillmore or Ft. Thorn and that he sent it via Cassin to the Smithsonian; there it remained from at least April 1855 to at least November 1857. At what point Cassin or Baird became aware that the bird represented a new species is problematical, but in a letter to Baird dated 6 May 1856 (I.P.C., vol. 9, no. 292), Cassin stated that more specimens were on the way from Henry and that the latter "...wishes his collection retained for his own examination, intending to describe the new species himself!" Whether Henry knew about and was referring to the new thrasher or not, one cannot say; however, one might assume that he was, as the apparent plan to call the bird *Toxostoma henryi* (a name already on the label and in the catalog) was dropped.

For the next two years the matter of the thrasher does not surface in the Cassin-Baird correspondence; but on 9 May 1858, with the publication of Baird's (1858) work on North American birds on the horizon, Baird wrote Cassin the following (L.W.B., vol. 17, no. 368):

"I send descriptions of new birds by [John Xantus de] Vesey and [T. Charlton] Henry which please have published in the May Proceedings of the Academy. I quote them [in my work as being] from the May number."

**Description of a New *Toxostoma* from Near Fort Thorn, New Mexico
by Dr. T. Charlton Henry, U. S. Army**

Toxostoma crissalis Henry. Second quills about as long as the secondaries. Bill much curved and longer than the head. Colo [strik-

en] above olive brown with a faint shade of gray, beneath nearly uniform brownish gray much paler than the back, passing insensibly into white on the chin, but the under tail coverts dark brownish rufous and abruptly defined. There is a black maxillary stripe, cutting off a white one above it, but there does not appear to be any other stripes about the head. There are no bands in the wings, and the tips and outer edges of the tail feathers are only [stricken] very inconspicuously lighter than the remaining portions. Length 11 inches, wing 4.00 inches and tail $5\frac{3}{4}$, tarsus 1.25.

From the preceding it is clear that Baird rather than Henry actually described *Toxostoma dorsale* and that in the original manuscript the name was given as *crissalis*. In a letter dated 11 May 1858 (I.P.C., vol. 9, no. 349), Cassin acknowledged receipt of the papers by "Vesey" and "Henry" and indicated that they would be read that night at the Academy in Philadelphia. On 25 May 1858, "Henry's" paper was accepted for publication in the Proceedings (Archives of the ANSP, minutes of the publication committee for papers given in the Hall of the Academy of Natural Sciences), but the indications are that the paper was not read until 18 May 1858—a week after Cassin expected.

That the description of the new thrasher was badly handled in the published ANSP Proceedings is apparent, but part of the problem may have stemmed from Baird himself. As we have seen, he initially sent a description of the new *Toxostoma* to Philadelphia on 9 May 1858. Sometime between that date and the appearance of the Proceedings (early June 1858), Baird also sent—again in Henry's name—the description of a new junco, i.e., *Junco dorsalis*. Although I can find no prepublication reference to the second description in the Baird-Cassin correspondence, it would seem that Baird decided it should be included with the description of the *Toxostoma*. Precisely who (Leconte?—see below) was supposed to combine the two manuscripts and whether the second was read, I cannot ascertain. At any rate, the two were combined, but with disastrous results. In the first place, the title of the published paper was kept as "Description of a new *Toxostoma* from Fort Thorn, New Mexico," even with the inclusion of the new *Junco*. In addition, there were several other errors or inconsistencies, including *Fringilla* being written as *Tringilla*, and of course the replacement of *crissalis* by *dorsalis* as the species epithet with *Toxostoma*. Obviously, the latter occurred when the two descriptions were combined, and it resulted from association with *Junco dorsalis* (the latter suffered in having its type locality given as Fort Thorn, but later Henry [1859:107] specifically stated that he found the bird only at Fort Stanton, New Mexico).

Baird was understandably irritated when he saw the mistakes in the published paper, and on 14 June 1858 he wrote Cassin as follows (L.W.B., vol. 17, no. 448):

"The printers have made sad work out of the description I sent. The *Toxostoma* [not underlined] *crissalis* is printed *dorsalis*. *Fringilla* is *Tringilla*. Ter-

tials at the end of the account of *Junco dorsalis* is written rostrals. Why did you not look over this or have proof sent to me.

"Can you have the enclosed corrections made in the next number. It would not make so much difference about *Toxostoma* [not underlined] if I had not already printed it *crissalis* in my report. Don't let my name appear in the rectification [next word illegible] as I do not want it to appear that it's not from Henry. I am very sorry for this absurd mess. Next time I shall ask for proof.

"[Correction] of certain errors in the articles by Henry, U.S.A., printed on page 117. The paper should be titled 'Description of new species of birds from Fort Thorn, New Mexico' instead of 'Description of a new *Toxostoma*. The second species was added after the title was made up for the description of [crossed out] the first alone.

"The name of the *Toxostoma* should be *crissalis* [written and crossed out] *crissalis* [printed], as written in the mss, not *dorsalis*. On page 118 read *Fringilla* instead of *Tringilla* and for rostrals at the end of the article read tertials.

"Proof of this to be sent to S.F. Baird, Washington, or John Cassin."

Cassin's response (I.P.C., vol. 9, no. 352) to Baird, dated 16 June 1858, was: "Very disagreeable business, that about Henry's birds—I had nothing to do with it—and have never yet seen it in print, in fact did not know that the No. was out until you wrote,—both papers were clearly legibly written and I handed them to the member of the pub. comm. [publication committee] who has officiated as a sort of editor...."

On 23 June 1858, Cassin wrote Baird (I.P.C., vol. 9, no. 353): "About that paper of Henry's I stirred up Dr. Leconte into such an entirely efficient sense of propriety that he insisted on the printer doing the paper over again, to be circulated with the next No.—so it stands at present—this time I will see proofs—Sir, the distinguished individual above mentioned and previously alluded to (Dr. John Leconte), stood some about the title, but it is arranged to read 'Descriptions of a new *Toxostoma* and a new *Junco* etc.' which will be right enough."

And so it came to pass that "Henry's" paper was reissued (as "Descriptions of new birds from Fort Thorn, New Mexico"), with the correction made to *Toxostoma crissalis* and other changes. At the end of the 1858 volume of the Proceedings, the directions to the binder are to cancel pages 117 and 118 as issued in the April-May number and to replace them with the new pages issued in June. With that change, *Toxostoma dorsalis* disappears from usage in ornithology until Oberholser (1920) resurrected it; the name was subsequently altered to agree with the neuter gender of the genus (Brown, 1954; contra Oberholser 1920, 1930).

The acceptance of the legality of the name *Toxostoma dorsale* in recent decades has been nearly universal, but this is not entirely the case. Phillips (1962:346) and Phillips et al. (1964:125) strongly rejected *dorsale*, saying to the effect that to accept it is to allow "printer's devils" instead of sci-

entists to establish nomenclature. Other authors have expressed similar opinions over other such instances, and Delacour and Mayr (1945:5) eloquently rejected any simplistic and absolute application of the Rule of Priority to cases of this type.

In assessing this particular case, it seems to me that the application of the Rule of Priority in overturning *crissale* for *dorsale* is an unnecessary sacrifice to be made in the pursuit of nomenclatural stability. Logic rather than dictum seems called for here, and I submit that a meaningful Code should allow for justifiable changes. For example, Article 32 of the 1961 Code could be amended by a simple paragraph as follows:

(d) Incorrect original name—If a name (subspecies, species, genus) in the original publication can be demonstrated to have been incorrect, i.e., other than that intended by the author, it may be substituted for by the corrected name by that author or other appropriate authority. The overriding factor is that the intended name must have been subverted by a misprint, typographical error, lapsus calami, or similar event. This rule does not permit emendations of names that were published intentionally, and a strong case for changes must be made to show that the author's intent was indeed not honored. Evidence from the original publication and all other relevant sources may be used in this determination.

Example—The name *Toxostoma dorsalis* (emended to *dorsale*) was originally published, but the author's intended name was *Toxostoma crissalis* (emended to *crissale*) as indicated by such evidence as a draft of the original manuscript, correspondence, and the reissue of the page with the name corrected to *Toxostoma crissalis*.

Should some form of legal correction be added to the Code, it could help guarantee that scientists rather than "printer's devils" establish nomenclature. Resultant corrections could still be confirmed by the governing body for zoological nomenclature, which now seems to lack sufficient guidelines to cover objectively such cases as *crissale* versus *dorsale*. Certainly nomenclature would stand to benefit by adopting a rule to assure a greater degree of objectivity, for the present tribunal approach to the problem is less than satisfactory.

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